

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

THOMAS WILNER, *et al.*,

Plaintiffs,

v.

NATIONAL SECURITY AGENCY, *et al.*,

Defendants.

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Hon. Judge Cote

1:07-cv-3883-DLC

**NOTICE OF LODGING OF CLASSIFIED EXHIBITS IN SUPPORT OF
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Defendants hereby provide notice that they are lodging for submission in support of Defendants' Motion for Summary Judgment the following classified exhibits for the Court's *in camera, ex parte* review:

(1) *In Camera, Ex Parte* Declaration of Joseph J. Brand, Associate Director, Community Integration, Policy and Records for the National Security Agency, filed as Exhibit A to Defendants' Motion for Summary Judgment;

(2) *In Camera, Ex Parte* Declaration of J. Michael McConnell, Director of National Intelligence, filed as Exhibit B to the Defendants' Motion for Summary Judgment;

(3) *In Camera, Ex Parte* Declaration of Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, DOJ, filed as Exhibit C to Defendants' Motion for Summary Judgment;

(4) *In Camera, Ex Parte* Declaration of David M. Hardy, Section Chief, Record/Information Dissemination Section, Records Management Division, Federal Bureau of Investigation, filed as Exhibit H to the Defendant's Motion for Summary Judgment; and

(5) *In Camera, Ex Parte* Declaration of Matthew G. Olsen, Deputy Assistant Attorney

General, National Security Division, DOJ, filed as Exhibit I to the Defendants' Motion for Summary Judgment.

Each of these submissions is classified pursuant to Executive Order 12958, 60 Fed. Reg. 19825 (Apr. 17, 1995), as amended by Executive Order 13292, 68 Fed. Reg. 15315 (Mar. 25, 2003), and cannot be disclosed without proper authorization. These submissions have been lodged for secure storage and transmission to the Court with the United States Department of Justice, Litigation Security Group, 20 Massachusetts Avenue, N.W., 5th Floor, Washington, D.C., (202) 514-9016. A redacted form of each of these submissions is provided as an exhibit to Defendant's Motion for Summary Judgment, filed this date on the public record.

Dated: May 5, 2008

Respectfully Submitted,

GREGORY G. KATSAS
Acting Assistant Attorney General

JOSEPH H. HUNT
Director, Federal Programs Branch

ELIZABETH A. SHAPIRO
Assistant Director, Federal Programs Branch

/s/ Alexander K. Haas
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CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2008, a copy of foregoing Notice of Lodging was filed electronically and thereby served to the parties by e-mail through the operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

I also certify that a copy of these materials was served by Overnight Delivery on:

Mark A. Schwartz, Esq.
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/s/ Alexander K. Haas
Attorney for Defendants